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David Killian

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EXAMINER

TAN, ALVIN H

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/783,511	Applicant(s) KILLIAN ET AL.	
	Examiner ALVIN H. TAN	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,5,11-13,19,21,22,24-27 and 33-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 5, 11-13, 19, 21, 22, 24-27, 33-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Remarks

1. Claims 1, 5, 11-13, 19, 21, 22, 24-27, and 33-40 have been examined and rejected. This Office action is responsive to the amendment filed on 3/30/07, which has been entered in the above identified application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5, 13, 19, 27, and 33-40 rejected under 35 U.S.C. 103(a) as being unpatentable over Hasha et al (U.S. Patent No. 6,734,879), herein after Hasha, and Sharood et al (Pub. No. US 2002/0022991 A1), herein after Sharood.

Claims 1, 5, 33, 37, 38 (Interface)

Claims 13, 19, 34-36 (Method)

Claims 27, 39, 40 (Product)

3-1. Regarding claims 1, 13, and 27, Hasha teaches the claim comprising a first set of control objects for selecting a system component within the controlled environment, by

disclosing a method and system for generating a user interface for controlling software components through a user control point device [*column 2, lines 25-27*]. A main portion of a display contains menu items implemented as buttons for various components associated with the current space. The components relate to audio/video, lighting, climate control, elevator control, art control, and high resolution monitor control [*column 4, lines 49-55; figure 1*].

Hasha teaches wherein activation of a control object from said first set denotes said selected system component and populates the user interface with control options, by disclosing that when a user selects one of the buttons, the user interface for the corresponding software component is provided by a user interface component for that software component [*column 4, lines 55-58*].

Hasha teaches wherein each control option is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said selected system component, by disclosing that [*figure 2*] illustrates a display after the audio/video button has been selected. The main portion reflects options relating to controlling audio/video [*column 5, lines 5-8*]. As shown, the main portion contains a control center component corresponding to an entertainment center, an ambient audio hardware component, or other hardware component for controlling various control center components within the space [*column 5, lines 13-18*].

Hasha teaches a second set of control objects displayed concurrently with said control options associated with said selected system component, by disclosing various

program selector buttons for controlling various programs such as a movie, television channel, or music albums *[column 5, lines 10-13]*.

Hasha teaches wherein each control object within said second set of control objects is configurable for viewing on the user interface and represents an affiliate system component capable of providing an input to said selected system component, wherein activation of a control object from said second set populates the user interface with control options for an affiliate system component associated with the activated control object, wherein each control option for said affiliate system component is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said affiliate system component, by disclosing *[figure 3]*, which shows a display after the music album selector button has been selected. Various controls in the main portion allow the user to select an available album and to direct the music to a hardware component, such as the ambient audio component *[column 5, lines 20-27]*. Each user control point (UCP) device includes a list of spatial services that can be controlled by the user. The UCP object may identify its corresponding space from configuration information and establish a tracking reference to the space object for the corresponding space. The identity of the corresponding space can be obtained from any number of places including a registry system whose information can be manually entered or automatically established from user preferences *[column 6, line 19 to column 7, line 4]*.

Hasha does not expressly teach wherein said control options for said affiliate system component are displayed concurrently with said second set of control objects on

the user interface. Sharwood teaches a similar system for providing a user interface for controlling distributed devices *[paragraph 13]*. *[Figure 7c]* shows an interface for managing a plurality of system components. As shown, a user selects a first set of control objects such as temperature, appliances, scenes, lighting, audio/video, and intercom. A second set of control objects is displayed within tool bar 752 along with concurrently displayed control options 754 and 755 corresponding to a selected one of the control objects from the tool bar. Displaying the second set of control objects concurrently with the control options allows users to more easily switch between selections. Since Hasha teaches navigating between several screens for controlling various devices, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display the control options for said affiliate system component concurrently with said second set of control objects, as taught by Sharood. This would allow users to more easily switch between selections.

3-2. Regarding claims 5 and 19, Hasha and Sharood teach the claim wherein said first set of control objects represents a plurality of component types within the controlled environment, by disclosing control types audio/video, lighting, climate control, elevator control, art control, and high resolution monitor control *[Hasha, column 4, lines 51-55; figure 1]*.

3-3. Regarding claims 33 and 34, Hasha and Sharood teach the claim wherein said second set of control objects represents a plurality of component types within the

controlled environment, by disclosing control types movies, TV channels, music albums, radio stations, estate cameras, play lists, and in progress [*Hasha, figure 2*].

3-4. Regarding claims 35-40, Hasha and Sharood teach the claim further comprising configuring affiliated system components for viewing as control objects in said second set of control objects by selecting from all available affiliated system components those affiliated system components that should be displayed or hidden on the user interface, by disclosing that each user control point (UCP) device includes a list of spatial services that can be controlled by the user. The UCP object may identify its corresponding space from configuration information and establish a tracking reference to the space object for the corresponding space. The identity of the corresponding space can be obtained from any number of places including a registry system whose information can be manually entered or automatically established from user preferences [*Hasha, column 6, line 19 to column 7, line 4*]. Thus, the list of displayed space objects and spatial services may be configured.

4. Claims 1, 5, 11-13, 19, 21, 22, 24-27, and 33-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dresti et al (Pub. No. US 2003/0103088 A1), herein after Dresti, and Humpleman et al (U.S. Patent No. 6,198,479 B1), herein after Humpleman.

Claims 1, 5, 11, 12, 33, 37, 38 (Interface)

Claims 13, 19, 21, 22, 24-26, 34-36 (Method)

Claims 27, 39, 40 (Product)

4-1. Regarding claims 1, 13, and 27, Dresti teaches the claim comprising a first set of control objects for selecting a system component within the controlled environment, by disclosing an electronic device having a remote control application user interface that functions to display operational mode information to a user *[paragraph 4, lines 1-4]*. A wheel 110 *[figure 11]* contains icons representing devices and/or activities *[paragraph 142, lines 1-3]*.

Dresti teaches wherein activation of a control object from said first set denotes said selected system component and populates the user interface with control options, by disclosing that the icons function as soft keys that may be selected to cause the performance of a further action, for example, to display a device control page, cause the transmission of commands, etc. *[paragraph 138, lines 5-9]*.

Dresti teaches wherein each control option is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said selected system component, by disclosing that users can select the devices by clicking on the appropriate icon in the wheel, wherein a page of control functions for that device would be displayed *[paragraph 151, lines 10-15; figure 19a]*.

Dresti teaches a second set of control objects wherein each control object within said second set of control objects is configurable for viewing on the user interface and represents an affiliate system component capable of providing an input to said selected

system component, wherein activation of a control object from said second set populates the user interface with control options for an affiliate system component associated with the activated control object from the second set, wherein each control option for said affiliate system component is associated with a sequence of commands that, when executed, sends instructions to control the operations or functions of said affiliate system component, by disclosing that the home screen device wheel 110 may contain device and activity icons *[paragraph 142, lines 1-3]*. When editing an activity icon, the user is presented with a set of control objects in which to select the device to be operated. Selecting a device would then populate the interface with a set of control options for that device. A series of keystrokes is then input, which would control the selected device when the activity icon is run *[paragraph 212, lines 9-14; paragraph 180, lines 6-24]*. Further, activities represent a desired configuration of one or more devices that is centered around a given pastime. For example, a 'watch movies' activity might be setup to cause the transmission of commands to select the DVD player as the audio/video source, set the surround sound mode on the audio amplifier, switch the TV input to S-Video, etc. *[paragraph 137, lines 14-20]*. Thus, in order to setup an activity involving multiple system components, an affiliate system component may be selected and configured by presenting an interface with a set of control option for the affiliate system component. If an activity has already been established and a user wishes to edit the activity, the user would be able to identify any devices being operated by the activity, including a first component and any affiliate components.

Dresti does not expressly teach that the second set of control objects are displayed concurrently with said control options associated with said selected system component and wherein said control options for said affiliate system component are displayed concurrently with said second set of control objects on the user interface.

Humpleman teaches a method and apparatus for controlling a plurality of devices on a home network to perform a service *[column 2, lines 19-22]*. A session manager displays related devices on a network and allows users select a device for control *[column 15, lines 7-12, 34-41; figure 8]*. After selection of a device, the user is presented with control options for controlling the selected device *[figure 10, 706]*. The session manager continues to display the contents of the device link page with only those related devices to the selected device activated *[column 15, lines 49-64; column 16, line 8 to column 17, line 15]*. The user may then select a second device from the related devices *[column 17, lines 16-26]* wherein the user is presented with control options for controlling the second device *[figure 11]*. As shown in *[figure 11]*, the related devices will still be displayed along with control options for the selected related device. Thus, the interface of Humpleman displays a second set of control objects concurrently with the control options associated with the selected device as well as control options for the affiliate system component. This allows users to more easily see which devices are related to a selected device as well as provide a more user-friendly interface for managing related devices. Since Dresti teaches configuring and controlling multiple related devices *[Dresti, paragraph 137, lines 14-20]*, it would have been obvious to one of ordinary skill in the art at the time the invention was made to display a second set of control objects

representing affiliate system component capable of providing an input to said selected system component concurrently with said control options associated with said selected system component as well as control options for the affiliate system component, as taught by Humpleman. This would allow users to more easily see which devices are related to a selected device as well as provide a more user-friendly interface for managing related devices.

4-2. Regarding claims 5 and 19, Dresti and Humpleman teach the claim wherein said first set of control objects represents a plurality of component types within the controlled environment, by disclosing that each device icon is associated with a type [*Dresti, figure 14c*].

4-3. Regarding claims 11 and 25, Dresti and Humpleman teach the claim further comprising device definition means for specifying input or output links or dependencies among one or more affiliate system components and a primary system component, and thereby establishing a chain of system components including said primary system component and said one or more affiliate system components, wherein said primary system component is associated with a primary control object from said first set, by disclosing that when generating a macro, users can specify a sequence of actions for selected devices. For example, a "Watch DVD Movie" macro could be made with primary system component being the DVD Player. When selected via an activity icon on the home screen device wheel 110, the macro would 1) turn on the DVD Player; 2) turn

the AMP to the DVD input; 3) turn on the TV; 4) set TV input to "Video 1"; and 5) play the movie [*Dresti, paragraph 211*].

4-4. Regarding claims 12 and 26, Dresti and Humpleman teach the claim wherein activation of said primary control object populates the user interface with control options for executing commands to send instructions to control the operations or functions of said chain of system components, by disclosing that users can copy, link, or edit the macros [*Dresti, paragraph 213, lines 5-10*]. Editing the macros would display control options to allow the user to select and control devices when the macro is run.

4-5. Regarding claim 21, Dresti and Humpleman teach the claim further comprising selecting one or more control objects from said first set to designate system components, wherein said system components can operate in either an on or off state, by disclosing devices having an on/off state [*Dresti, paragraph 131*].

Dresti and Humpleman teach presenting, on said user interface, a switch object that, when activated, executes a global command for the designated system components and executing said global command to send instructions to alter the on-off state of the designated system components, by disclosing activity icons within wheel 110 that denote user generated macros. User generated macros allow the user to manually program a sequence of actions to be assigned to a single button such that the sequence can be repeated by a press of the single button [*Dresti, paragraph 211*].

4-6. Regarding claim 22, Dresti and Humpleman teach the claim further comprising selecting one or more control objects from said first set to designate a component type, presenting, on said user interface, a switch object that, when activated, executes a global command for one or more system components matching said component type, wherein said system components can operate in either an on or off state, and executing said global command to send instructions to alter the on-off state of said one or more system components matching said component type, by disclosing a power macro for a home theatre system that offers a global on and off function for a home theatre [*Dresti, paragraph 131*].

4-7. Regarding claim 24, Dresti and Humpleman teach the claim further comprising selecting one or more control objects from said first set to designate system components, wherein said system components can operate in either an on or off state, by disclosing devices having an on/off state [*Dresti, paragraph 131*].

Dresti and Humpleman teach presenting, on said user interface concurrently with said first set, a switch object that, when activated, executes a global command for the designated system components, by disclosing activity icons within wheel 110 that denote user generated macros. User generated macros allow the user to manually program a sequence of actions to be assigned to a single button such that the sequence can be repeated by a press of the single button [*Dresti, paragraph 211*].

Dresti and Humpleman teach exempting from said global command at least one of one or more specified system components, one or more system components

Art Unit: 2173

matching a specified component type, and one or more system components positioned within a specified region within the controlled environment, and executing said global command to send instructions to alter the on-off state of all designated system components except for the exempted one or more system components, by disclosing that users can indicate which devices are to participate in the macro [*Dresti, paragraph 166, lines 8-16*].

4-8. Regarding claims 33 and 34, Dresti and Humpleman teach the claim wherein said second set of control objects represents a plurality of component types within the controlled environment, by disclosing that each device icon is associated with a type [*Dresti, figure 14c*].

4-9. Regarding claims 35-40, Dresti and Humpleman teach the claim further comprising configuring affiliated system components for viewing as control objects in said second set of control objects by selecting from all available affiliated system components those affiliated system components that should be displayed or hidden on the user interface, by disclosing that activities represent a desired configuration of one or more devices that is centered around a given pastime. For example, a 'watch movies' activity might be setup to cause the transmission of commands to select the DVD player as the audio/video source, set the surround sound mode on the audio amplifier, switch the TV input to S-Video, etc. [*Dresti, paragraph 137, lines 14-20*]. Thus, in order to setup an activity involving multiple system components, an affiliate system component

may be selected and configured by presenting an interface with a set of control option for the affiliate system component. Thus, users may choose which affiliate system components to associate with the activity. The associated affiliate system components would consequently be displayed when a configured activity is selected.

Response to Arguments

5. The Examiner acknowledges the Applicant's amendments to claims 1, 13, and 27, the cancellation of claims 15, 16, and 30, and the addition of claims 35-40.

Regarding the rejections of independent claims 1, 13, and 27 under 35 U.S.C. 102(e) as being anticipated by Hasha et al (U.S. Patent No. 6,734,879), the Applicant alleges that Hasha as described in the previous Office action, does not explicitly teach or suggest, "wherein control options for said affiliate system component are displayed concurrently with said second set of control objects on the user interface", as has been amended to the claims. Examiner has therefore rejected independent claims 1, 13, and 27 under 35 U.S.C § 103 as being unpatentable over Hasha and Sharood et al (Pub. No. US 2002/0022991 A1). See section 3-1.

Regarding the rejections of independent claims 1, 13, and 27, under 35 U.S.C. 103(a) as being unpatentable over Dresti et al (Pub. No. US 2003/0103088 A1) and Humpleman et al (U.S. Patent No. 6,198,479 B1), the Applicant alleges that Dresti and Humpleman, as described in the previous Office action, do not explicitly teach or suggest that the control objects appearing in the second set of control objects displayed on the user interface representing affiliate system components are configurable for

viewing on the user interface, as has been amended to the claims. Contrary to Applicant's arguments, Dresti teaches that the home screen device wheel 110 may contain device and activity icons *[paragraph 142, lines 1-3]*. Activity icons may represent a first set of control objects. When editing an activity icon, the user is presented with a second set of control objects in which to select a device to be operated. Selecting a device would then populate the interface with a set of control options for that device. A series of keystrokes is then input, which would control the selected device when the activity icon is run *[paragraph 212, lines 9-14; paragraph 180, lines 6-24]*. Activities represent a desired configuration of one or more devices that is centered around a given pastime. For example, a 'watch movies' activity might be setup to cause the transmission of commands to select the DVD player as the audio/video source, set the surround sound mode on the audio amplifier, switch the TV input to S-Video, etc. *[paragraph 137, lines 14-20]*. Thus, in order to setup an activity involving multiple system components, an affiliate system component may be selected and configured by presenting an interface with a set of control option for the affiliate system component. If an activity has already been established and a user wishes to edit the activity, the user would be able to identify any devices being operated by the activity, including a first component and any affiliate components. Thus, users may choose which affiliate system components to associate with the activity. The associated affiliate system components would consequently be displayed when a configured activity is selected.

Applicant argues that the combination of Dresti and Humpleman teaches away from Applicant's invention. Contrary to Applicant's arguments, the test for obviousness

is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Humpleman is merely used to teach displaying control options concurrently with selected control objects. Dresti teaches setting up an activity involving multiple system components by selecting affiliate system components and displaying the selected associated affiliate system components when configuring an activity. Further, Humpleman does teach deactivating and graying out non-affiliated system components in order to inform the user of affiliated components [*Humpleman*, column 17, lines 1-15]. Removing any non-affiliated system component would provide the same benefit to the user.

Newly added claims 35-40 have been rejected under 35 U.S.C § 103 as being unpatentable over Hasha and Sharood (see section 3-4) and under 35 U.S.C § 103 and being unpatentable over Dresti and Humpleman (see section 4-9).

Applicant states that dependent claims 5, 11, 12, 19, 21, 22, 24-26, and 33-40 recite all the limitations of the independent claims, and thus, are allowable in view of the remarks set forth regarding independently amended claims 1, 13, and 27. However, as discussed above, Dresti and Humpleman are considered to teach claims 1, 13, and 27 and Hasha and Sharood are considered to teach claims 1, 13, and 27, and consequently, claims 5, 11, 12, 19, 21, 22, 24-26, and 33-40 are rejected.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALVIN H. TAN whose telephone number is (571)272-8595. The examiner can normally be reached on Mon-Fri 10:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2173

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AHT

Assistant Examiner
Art Unit 2173

/Tadesse Hailu/
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